

From: [Ken Fussell - M1AK](#)
To: [McPherson, Megan G CTR OSD ODAM \(US\)](#)
Subject: Re: DOD 33456 Secretary of the Navy Advisory Panel Charter consultation
Date: Thursday, December 05, 2013 4:26:48 PM

Megan, both the charter and the MBP fully comply with all requirements of law, regulation, and current Secretariat guidance.

On Thu, Dec 5, 2013 at 11:07 AM, McPherson, Megan G CTR OSD ODAM (US) <megan.g.mcpherson.ctr@mail.mil> wrote:

Mr. Fussell,

Request GSA consultation on the attached charter and membership balance plan for the Secretary of the Navy Advisory Panel. A consultation has been initiated in the database.

Please let me know if you have any questions/concerns.

V/r,
Megan

Megan McPherson
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Charter
Secretary of the Navy Advisory Panel

1. Committee's Official Designation: The Committee shall be known as the Secretary of the Navy Advisory Panel ("the Panel").
2. Authority: The Secretary of Defense, in accordance with the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(d), established the Panel.
3. Objectives and Scope of Activities: The Panel, under the provisions of the FACA, shall provide the Secretary of Defense, through the Secretary of the Navy, independent advice and recommendations on critical matters concerning the Department of the Navy, as set out in paragraph four below.
4. Description of Duties: The Panel's focus will include Department of the Navy administration and management, recruitment and training, equipment acquisition and maintenance, military and civilian manpower systems, basing and support infrastructure, and logistical support. The Panel will also focus on research and development matters confronting the U.S. Navy and the U.S. Marine Corps and on matters pertaining to preserving the history and heritage of the Naval Services.
5. Agency or Official to Whom the Committee Reports: The Panel shall report to the Secretary and Deputy Secretary of Defense, through the Secretary of the Navy. The Secretary of the Navy, pursuant to Department of Defense (DoD) policy, may act upon the Panel's advice and recommendations.
6. Support: The DoD, through the Office of the Secretary of the Navy, shall provide support, as deemed necessary, for the performance of the Panel's functions, and shall ensure compliance with requirements of the FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended) ("the Sunshine Act"), governing Federal statutes and regulations, and established DoD policies and procedures.
7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, to include travel, meetings, and contract support, is approximately \$1.5 million. The estimated annual personnel cost to the DoD is 6.9 full-time equivalents.
8. Designated Federal Officer: The Panel's Designated Federal Officer (DFO), pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and will be appointed in accordance with established DoD policies and procedures.

The Panel's DFO is required to be in attendance at all Panel and subcommittee meetings for the duration of each and every meeting. However, in the absence of the Panel's DFO, a properly approved Alternate DFO, duly appointed to the Panel according to DoD policies and procedures, will attend the entire duration of all of the Panel or subcommittee meeting.

The DFO, or the Alternate DFO, will call all of the Panel and its subcommittee meetings; prepare and approve all meeting agendas; adjourn any meeting, when the DFO, or the

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Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures; and chair meetings when directed to do so by the official to whom the Panel reports.

9. Estimated Number and Frequency of Meetings: The Panel will meet at the call of the Panel's DFO, in consultation with the Secretary of the Navy and the Panel's Chairperson. The estimated number of Panel meetings is four per year.
10. Duration: The need for this advisory function is on a continuing basis; however, it is subject to renewal every two years.
11. Termination: The Panel shall terminate upon completion of its mission or two years from the date this charter is filed, whichever is sooner, unless the Secretary of Defense extends it.
12. Membership and Designation: The Panel shall be composed of no more than 15 members. The members will be eminent authorities in the fields of science, research, finance, history, engineering, business, and industry.

The Panel members will be appointed by the Secretary of Defense or the Deputy Secretary of Defense for a term of service of one-to-four years and their appointments will be renewed on an annual basis in accordance with DoD policies and procedures. Members of the Panel who are not full-time or permanent part-time Federal employees will be appointed as experts and consultants under the authority of 5 U.S.C. § 3109 to serve as special government employee (SGE) members. Panel members who are full-time or permanent part-time Federal employees will serve as regular government employee members. All members of the Panel are appointed to provide advice on behalf of the Government on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

Panel members, if appointed by the Secretary of Defense or the Deputy Secretary of Defense as SGE members, will serve without compensation. However, Panel members will be reimbursed for travel and per diem as it pertains to official business of the Panel.

No member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service on the Panel, to include its subcommittees, or serve on two DoD federal advisory committees at one time.

The Secretary of Defense, in consultation with the Secretary of the Navy, shall appoint the Panel's chairperson from the total membership.

The Secretary of the Navy, pursuant to DoD policies and procedures, may appoint, as deemed necessary, non-voting subject matter experts (SMEs) to assist the Panel or its subcommittees on an ad hoc basis. These non-voting SMEs are not members of the Panel or its subcommittees, and will not engage or participate in any deliberations by the Panel or its subcommittees. These non-voting SMEs, if not full-time or part-time Government

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employees, will be appointed under the authority of 5 U.S.C. § 3109 on an intermittent basis to address specific issues under consideration by the Panel.

13. Subcommittees: DoD, as necessary and consistent with the Panel's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Panel.

Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the Secretary of the Navy, as the DoD Sponsor.

Such subcommittees shall not work independently of the chartered Panel, and shall report all their recommendations and advice solely to the Panel for full deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the chartered Panel. No subcommittee or any of its members can update or report, verbally or in writing, directly to the DoD or any Federal officers or employees.

All subcommittee members shall be appointed in the same manner as the Panel members; that is, the Secretary of Defense or the Deputy Secretary of Defense shall appoint subcommittee members even if the member in question is already a member of the Panel. Subcommittee members, with the approval of the Secretary of Defense, may serve a term of one-to-four years; however, no member shall serve more than two consecutive terms of service on the subcommittee.

Subcommittee members, if not full-time or part-time Federal employees, will be appointed as experts and consultants under the authority of 5 U.S.C. § 3109 to serve as SGE members, whose appointments must be renewed on an annual basis. With the exception of reimbursement for travel and per diem as it pertains to official travel related to the Panel or its subcommittees, Panel subcommittee members shall serve without compensation.

Each subcommittee member is appointed to provide advice on behalf of the Government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

All subcommittees operate under the provisions of the FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

Currently, DoD has approved the following two permanent subcommittees to the Panel:

- a) The Naval Research Advisory Committee shall be composed of not more than seven members and shall provide independent advice and recommendations on scientific, technical, research, and development matters confronting the U.S. Navy and the U.S. Marine Corps. Pursuant to 10 U.S.C. § 5024(a), the subcommittee shall consist of civilians preeminent in the fields of science, research, and development work, and one member must be from the field of medicine.

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The estimated number of meetings is four per year.

- b) The Secretary of the Navy's Advisory Subcommittee on Naval History shall be composed of not more than 15 members and shall provide independent advice and recommendations on matters pertaining to preserving the heritage and legacy of the Naval Services and disseminating their rich history to the Service and the American public. Advisory topics may include professional standards, methods, program priorities, cooperative relationships in Marine Corps and Navy's historical research and publication programs, museums, archives, archeology, libraries, manuscript collections, rare book collections, art collections, preservation, and curatorial activities. The subcommittee shall consist of civilians who have broad managerial experience, vision, and understanding in one or more of the following areas: military and maritime history, archives, museology, art, library science, and information technology.

The estimated number of meetings is one per year.

- 14. Recordkeeping: The records of the Panel and its subcommittees shall be handled according to Section 2, General Record Schedule 26 and governing DoD policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552, as amended).

- 15. Filing Date:

Membership Balance Plan
Secretary of the Navy Advisory Panel

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, pursuant to the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(d), established the Secretary of the Navy Advisory Panel (“the Panel”).
2. Mission/Function: The Panel, under the provisions of the FACA, shall provide the Secretary of Defense, through the Secretary of the Navy, independent advice and recommendations on critical matters concerning the Department of the Navy (DON). The Panel’s focus will include DON administration and management, recruitment and training, equipment acquisition and maintenance, military and civilian manpower systems, basing and support infrastructure, and logistical support. The Panel will also focus on research and development matters confronting the U.S. Navy and the U.S. Marine Corps and on matters pertaining to preserving the history and heritage of the Naval Services.
3. Points of View: The Panel shall be composed of no more than 15 members who have extensive professional experience and backgrounds in the fields of science, research, finance, history, engineering, business, and industry.

Each member, based upon his or her individual and professional experiences, provides his or her best judgment on the matters before him or her, and does so without representing any particular point of view and in a manner that is free from conflict of interest. Panel Members appointed by the Secretary of Defense, who are not full-time or permanent part-time Federal officers or employees, shall be appointed as experts and consultants under the authority of 5 U.S.C. § 3109 to serve as special government employee (SGE) members.

The DoD, in selecting potential candidates for the Panel, reviews the educational and professional credentials of individuals and bases its selection on this review and the subject matters being handled by the Panel. The Department has found that viewing the complex issues facing the Department, through a multidiscipline advisory committee, provides the Department and, more importantly, the American public, with a broader understanding of the issues on which to base subsequent policy decisions.

The Panel’s membership balance is not static and the Secretary of Defense may change the membership based upon work assigned to the Panel by the Secretary of Defense, the Deputy Secretary of Defense, or the Secretary of the Navy. In addition, the Department, unless otherwise directed by an Act of Congress or Presidential directive, does not use representative members on DoD-established or supported advisory committees.

4. Other Balance Factors: N/A
5. Candidate Identification Process: The DoD, in selecting potential candidates for the Panel, reviews the educational and professional credentials of individuals with extensive backgrounds in the areas of primary interest to the Panel. Potential candidates are identified by the professional staff of the Office of the Secretary of the Navy and, in some instances, based upon discussions with other professionals

Membership Balance Plan
Secretary of the Navy Advisory Panel

within the DoD in consultation with Office of General Counsel of the Department of Defense (OGC DoD), White House Liaison, and the Director of Administration and Management.

Once potential candidates are identified, the Secretary of the Navy reviews the credentials of each individual and narrows the list of candidates. During his or her review, the Secretary of the Navy strives to achieve a balance between the professional credentials of the individuals and the near-term subject matter that the Secretary of the Navy anticipates will be reviewed by the Panel.

Once the Secretary of the Navy has narrowed the list of candidates and before formal nomination to the Secretary of Defense, the list of potential candidates undergoes a review by the OGC DoD and the Office of the Advisory Committee Management Officer to ensure compliance with federal and DoD governance requirements, such as compliance with the advisory committee's charter and membership balance plan. Following this review, the Secretary of the Navy formally nominates the potential candidates to the Secretary of Defense for approval; pursuant to DoD policy, only the Secretary of Defense and the Deputy Secretary of Defense can invite or approve the appointment of individuals to advisory committees established or supported by the DoD.

Following approval by the Secretary of Defense or the Deputy Secretary of Defense, the candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members.

The Secretary of Defense or the Deputy Secretary of Defense may approve the appointment of members to the Panel, to include its subcommittees, for one-to-four year terms of service, with annual renewals. However, no member, unless authorized by the Secretary of Defense or the Deputy Secretary of Defense, may serve more than two consecutive terms of service on the Panel, to include its subcommittees. Such appointments will normally be staggered among the Panel membership to ensure an orderly turnover in the Panel's overall composition on a periodic basis.

Membership vacancies for the Panel and its subcommittees will be filled in the same manner as described in the previous four paragraphs above.

6. Subcommittee Balance: DoD, as necessary and consistent with the Panel's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Panel.

The Secretary of Defense or the Deputy Secretary of Defense shall approve the appointment of subcommittee members in the same manner as members to the Panel. Individuals considered for appointment to any subcommittee of the Panel may come from the Panel itself or from new nominees, as recommended by the Secretary of the Navy and based upon the subject matters under consideration, but they must be approved by the Secretary of Defense or the Deputy Secretary of Defense before participating in any subcommittee work.

Currently, DoD has approved the following two permanent subcommittees to the Panel:

- a) The Naval Research Advisory Committee shall be composed of not more than seven members and shall provide independent advice and recommendations on scientific, technical, research, and development matters confronting the U.S. Navy and the U.S. Marine Corps. Pursuant to 10 U.S.C. § 5024(a), the subcommittee shall consist of civilians preeminent in the fields of science,

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research, and development work, and one member must be from the field of medicine.

- b) The Secretary of the Navy's Advisory Subcommittee on Naval History shall be composed of not more than 15 members and shall provide independent advice and recommendations on matters pertaining to preserving the heritage and legacy of the Naval Services and disseminating their rich history to the Service and the American public. Advisory topics may include: professional standards, methods, program priorities, cooperative relationships in Marine Corps and Navy's historical research and publication programs, museums, archives, archeology, libraries, manuscript collections, rare book collections, art collections, preservation, and curatorial activities. The subcommittee shall consist of civilians who have broad managerial experience, vision, and understanding in one or more of the following areas: military and maritime history, archives, museology, art, library science, information technology..

As required by the Panel's charter, these subcommittees operate under the provisions of the FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b), governing Federal statutes and regulations, and DoD policy.

- 7. Other: As nominees are considered for appointment to the Panel, the DoD adheres to the rules and regulations issued by the Office of Management and Budget's Final Guidance on Appointment of Lobbyists to Federal Boards and Commissions (76 FR 61756; October 5, 2011) and the rules and regulations issued by the Office of Government Ethics.
- 8. Date Prepared/Updated: